

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerhard Tuymer
Application No. : 10/507,095
Filing Date : September 3, 2004
For : VACUUM PLASMA GENERATOR
Examiner : Michael A. Band
Art Unit : 1795
Confirmation No. : 1923

3 Pages
Via EFS-Web
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR PANEL REVIEW OF FINAL REJECTION

Dear Sir or Madam:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, Applicant respectfully requests a panel review of the final rejection dated July 2, 2009 in connection with the subject application.

The basis of this request is that the final rejection omits essential elements needed for a prima facie rejection and is therefore in error. For the reasons set forth below, this request meets a condition for panel review because it is based upon a clear legal or factual

deficiency in the final rejection and not on an interpretation of the claims or prior art teaching.

A significant aspect of the present invention is the presence of the potential-isolating transformer (14). (“The transformer 14 plays a significant role for the function of the configuration according to the invention.” Specification page 12, lines 24, 25.) The function of the transformer is described in the specification as “not primarily transforming the voltage, but rather to generate a potential isolation and simultaneously to avoid reactive effects onto the sensitive switch semiconductors in the bridge, thus also to decouple the plasma with respect to the bridge circuit.” page 5, lines 19-22.

Accordingly, claim 1 recites that: “in the bridge circuit (13) a potential-isolating transformer (14) is included for galvanic decoupling of the generator outputs (26, 26’).

Claim 1 further recites details of the transformer as follows:

“the transformer (14) having at least one primary winding connected to the bridge circuit and at least one secondary winding having two connections, the two connections of the secondary winding being respectfully and directly connected to the two outputs (26, 26’) which are respectfully and directly connected to the two electrodes (3) so that a bipolar voltage at the secondary winding of the transformer is transferred to the electrodes.”

Claim 1-20, all the claims in the present application, stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Goedicke et al. (US Patent No. 6,340,416) in view of Manley (US Patent No. 5,993,613). The Examiner acknowledges that Goedicke et al., only inferentially disclose a transformer. (“However, while it is known that a full bridge circuit has a transformer, it is not specified whether the transformer has a primary winding and a secondary winding.”). But, even assuming arguendo that the transformer

of Manley may properly be combined with Goedicke et al., the resulting combination would not include all the essential transformer elements recited in claim 1. More specifically, the resulting combination would not include the claimed potential-isolating transformers for galvanic decoupling of the generator outputs, nor would the resulting combination disclose the direct connection between the transformer windings and the outputs. Thus, the final rejection omits essential elements needed for a prima facie rejection and is in error.

In view of the foregoing, it is respectfully requested that a panel review of the final rejection be conducted and that the panel determine that the existing claims are allowable.

Respectfully submitted,

/PETER C. MICHALOS/

Peter C. Michalos

Reg. No. 28,643

Attorney for Applicants

(845) 359-7700

Dated: October 21, 2009

NOTARO & MICHALOS P.C.

100 Dutch Hill Road, Suite 110

Orangeburg, New York 10962-2100

Customer No. 21706